

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

WILLIAM A. KENNEDY III, M.D. and
WILLIAM A. KENNEDY III MD PLLC,

Plaintiffs,

-against-

UNITEDHEALTH GROUP INCORPORATED,
UNITEDHEALTHCARE INSURANCE
COMPANY OF NEW YORK,
UNITEDHEALTHCARE OF NEW YORK, INC.,
OXFORD HEALTH PLANS (NY), INC., and
OXFORD HEALTH INSURANCE, INC.,

Defendants.

ORAL ARGUMENT REQUESTED

Case No. 25-Civ.-432 (PAE)

Hon. Paul A. Engelmayer

DEFENDANTS' NOTICE OF MOTION TO DISMISS PLAINTIFFS' COMPLAINT

PLEASE TAKE NOTICE that upon the accompanying Declaration of Robert Keefe and the exhibits attached thereto; the accompanying Memorandum of Law; and all other submissions and proceedings in this action, Defendants UnitedHealthcare Group Incorporated, UnitedHealthcare Insurance Company of New York, UnitedHealthcare of New York, Inc., Oxford Health Plans (NY), Inc., and Oxford Health Insurance, Inc., by and through their undersigned attorneys, will move this Court, before the Honorable Paul A. Engelmayer at the Thurgood Marshall United States Courthouse, Courtroom 1305, 40 Foley Square New York, NY 10007, at a date and time to be determined by the Court, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) dismissing the Complaint filed by Plaintiffs William A. Kennedy III, M.D. and William A. Kennedy III MD PLLC, or, in the alternative, pursuant to Rule 12(f) striking Plaintiffs' punitive damages demand.

Dated: January 29, 2025

Respectfully submitted,

/s/ David Barillari

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